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February 9, 2007

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VIA ECF AND HAND DELIVERY

Honorable Phyllis J. Hamilton
United States District Court
Northern District of California
Courtroom 3, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In Re DRAM Antitrust Litigation
Master File No: M-02-1486 PJH (JCS)/Direct Purchaser Cases

Dear Judge Hamilton:

Direct Purchaser Plaintiffs ("Plaintiffs") and Nanya Technology Corporation, Nanya Technology Corporation USA, Mosel Vitelic Inc. and Mosel Vitelic Corporation ("Defendants") jointly request a brief adjournment of the February 20 deadline to serve and file the joint pretrial statement and associated papers specified in Paragraph 3 of Your Honor's January 18, 2007 Pretrial Order in this case. The parties request that the Court direct these papers to be due instead on or by February 27, 2007, seven days later.

The parties make this request for four reasons. First, while the parties have been meeting and conferring productively on various issues, and while Plaintiffs have provided Defendants with a draft trial exhibit list, Plaintiffs are in the process of revising and narrowing that list, in part because of the recently-announced settlements with the Micron and Winbond defendants. Both Plaintiffs and Defendants could use a brief extension to finalize the exhibit list and in the process hopefully narrow the documentary issues at trial.

Second, the Court at the February 7 hearing on the motions to dismiss the State Attorney General DRAM complaints indicated that it was planning to devote this week and next week to the consideration of the summary judgment motions on file in this case. The parties, in preparing the pretrial statement and associated papers, would find it most useful to know the Court's decisions on those motions, if possible.

Third, also at the February 7 hearing, the Court directed the parties in the State Attorney General and indirect purchaser cases to participate in a mediation with Judge Weinstein. That mediation is now scheduled for February 20 in New York City, and will require California counsel for Defendants to travel to New York no later than February 19. While Defendants do not in any way mean to suggest that the Court's mediation directive is problematic, the February 20 mediation



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session is further limiting the amount of time counsel have to complete the many pretrial tasks that need to be completed in the Direct Purchaser cases.

Fourth, the Plaintiffs and the Mosel Defendants have a mediation scheduled for the week of February 26, 2007, and Plaintiffs and the Nanya Defendants continue to discuss settlement possibilities.

The parties are not requesting an extension of the current due date for *Daubert* motions specified in the January 18 Pretrial Order.

If the Court has any questions about this request, Plaintiffs and Defendants would be happy to address them.

Very truly yours,

A handwritten signature in black ink, appearing to read "Howard M. Ullman".

Howard M. Ullman

cc: Service List

2/12/07

